Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION, INC., COX COMMUNICATIONS, GULF COAST, L.L.C., et. al. Complainants, v. GULF POWER COMPANY, Respondent.	E.B. Docket No. 04-381

To: Office of the Secretary

Attn.: The Honorable Richard L. Sippel
Chief Administrative Law Judge

NON-BINDING PROFFER OF "FULL CAPACITY" POLE EVIDENCE

Gulf Power Company ("Gulf Power"), in accordance with the Presiding Judge's September 26, 2005 order (deadline amended by order of October 3, 2005), submits the following non-binding proffer of full-capacity pole evidence:

Osmose Audit

1. Introduction. Exhibits 1, 2 and 3, attached hereto, are examples of the evidence collected by Osmose depicting "full capacity" poles. Each exhibit contains, *inter alia*, (1) pole identification information, (2) photographs of the usable space on the pole, (3) identity of the CATV complainant attached, and (4) the existence of certain defined pole conditions.[1]

[1] The conversion charts for the terms used to track the Osmose data is attached hereto as Exhibit 4. This same chart also is Appendix C to the Osmose Statement of Work (previously produced and submitted to the Court). Gulf Power is working with Osmose on a method of automatically converting the shorthand codes in the

2. Definition. The Osmose audit identified poles which could not host an additional pole attachment without make-ready (either rearrangement or change-out, neither of which Gulf Power is obliged to do). Specifically, the Osmose Statement of Work defined a "crowded" pole as follows:[2]

> A "crowded" pole, for the purposes of this joint use physical audit only, is defined as: (1) a pole that has any NESC vertical clearance violation(s) between Gulf Power Company's transformers (30"), transformer bus conductors (40"), neutrals (40"), riser (40"), or outdoor lighting (12") to the highest attachment below Gulf Power Company, or any NESC mid-span spacing violation(s) (4"); or NESC clearance over roads and pedestrian accessible areas that would cause one of the above clearance violations if corrected; (2) a pole that cannot accept an additional pole attachment due to vertical clearances between Gulf Power Company's transformers (42"), transformer bus conductors (52"), neutrals (52"), risers (52"), or outdoor lighting (24") to the highest attachment.

Each of the poles depicted in Exhibits 1, 2 and 3, all of which host a complainant Cox Communications attachment, meet this definition.

3. Exhibit 1. The pole depicted in Exhibit 1 is at "full capacity" for any of the following reasons: (1) less than 52" power/communication separation; (2) less than 40" secondary/communication attachment; (3) less than 40" neutral/communication separation; and (4) less than 12" between attachments.

4. Exhibit 2. The pole depicted in Exhibit 2 is at "full capacity" for any of the following reasons: (1) less than 52" power/communication separation; (2) less than 42" transformer/attachment separation; (3) less than 40" secondary/communication separation; and (4) less than 40" neutral/communication separation.

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crowded pole reports (taken from the Access data file) to the condition/measurement described, for ease of presentation at trial.

[2] As Gulf Power has explained *ad naseum* in prior filings, there is no practical difference between the terms "crowded" (as used in the Osmose Statement of Work) and "full capacity" since "crowded" is defined in the Statement of Work to mean a pole that cannot host another attachment without rearrangement or change-out.

5. Exhibit 3. The pole depicted in Exhibit 3 is at "full capacity" for any of the following reasons: (1) less than 52" power/communication separation; (2) less than 40" secondary/communication separation; (3) less than 40" neutral/communication separation; (4) less than 12" between attachments.

Knology Make-Ready

6. Introduction. Exhibits 5 and 6, attached hereto, are examples of make-ready files prepared by Gulf Power crews and/or subcontractors performing the make-ready work for Gulf Power during the Knology build-out project of 1998-2002 in the Panama City area (mostly Comcast territory). These reports detail the exact number of "full capacity" poles with CATV attachments in the area covered by a particular work order.

7. Exhibit 5. The make-ready file attached as Exhibit 5 bears the work order number K-42 and demonstrates that 17 out of 72 poles required make-ready on poles which also hosted CATV attachments. Pages 17 through 18 contain a pole-by-pole description of the specific pole, work performed, and relevant CATV attachments on "full capacity" poles. This file was prepared by a Gulf Power crew.

8. Exhibit 6. The make-ready file attached as Exhibit 6 bears the work order number K-85 and demonstrates that 43 out of 200 poles required make-ready on poles which also hosted CATV attachments. Pages 17 through 21 and pages 23 through 26 contain a pole-by-pole description of the specific pole, work performed, and relevant CATV attachments on "full capacity" poles. This file was prepared by Utility Consultants, Inc., a make-ready contractor.

9. Relevance. The information contained in Exhibits 5 and 6 is a snapshot of the pole conditions at the time of the Knology build-out. At the time Knology sought to attach, these poles were at "full capacity" (otherwise, make-ready would not have been required). The

Knology make-ready files also demonstrate the nature and scope of make-ready work performed on "full capacity" poles with CATV attachments in the Panama City area.

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Counsel for Respondent

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Non-Binding Proffer Of "Full Capacity" Pole Evidence has been served upon the following by Electronic Mail and by United States Mail on this the 17th day of October, 2005:

Lisa Griffin Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 **Via E-mail**	Shiela Parker Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554 **Via E-mail**
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John D. Seiver Geoffrey C. Cook Rita Tewari COLE, RAYWID & BRAVERMAN 1919 Pennsylvania Avenue, N.W. Suite 200 Washington, D.C. 20006 **Via E-mail**	John W. Berresford Federal Communications Commission 445 12th Street, S.W. Washington, D.C. 20554

OF COUNSEL

EXHIBIT 1

Crowded poles report

ID_NUMBER	312_579
GPS_LOC	1148113.255185,-533884.099500
INSP_DATE	4_18_05 4-38-05 PM
POLE_CLASS	5
POLE_HGHT	40
POLE_TYPE	Wood
IMAGE1	312_10650503_0016.JPG

IMAGE2

POLE_ID	312_579
OWNER	COX
TYPE	catv
PWR_COM_CP	Yes
SL_ATT_CP	Yes

XFR_ATT_CP	No	
SEC_COM_V	Yes	
NEUT_COM_V	Yes	
GUY_COM_V	No	
RISR_COM_V	No	
SL_ATT_V	Yes	
XFR_ATT_V	No	
BTWN_ATT_V	Yes	
MD_ATT_V	No	
MD_PWRAT_V	No	
DOT_ROAD_V	No	
ROAD_V	No	
PEDEST_V	No	
STRUCT_V	No	
GUY_ANCH_V	No	
ATT_BOND_V	No	
NUM_MAIN	1	
MAIN_HGT	274	
MAIN_MDHGT	217,248	
NUM_DROP		1
DROP_HGT	215,273,291	
DROP_MDHGT	196,180,202,240	
NUM_AMP		0
AMP_HGT		
NUM_RISER		0
RISER_HGT		
NUM_PED		0
NUM_TERM		0
TERM_HGT		
NUM_XARM		0
XARM_HGT		
NUM_EXTARM		0
EXTARM_HGT		
OVERLASH	No	

NUM_OVRLSH	0

EXHIBIT 2

Crowded poles report

ID_NUMBER	312_498
GPS_LOC	1150415.895151,-534478.924370
INSP_DATE	4_18_05 11-49-43 AM
POLE_CLASS	4
POLE_HGHT	40
POLE_TYPE	Wood
IMAGE1	312_10550502_0025.JPG

IMAGE2	
POLE_ID	312_498
OWNER	COX
TYPE	catv
PWR_COM_CP	Yes
SL_ATT_CP	Yes

NUM_OVRLSH	0

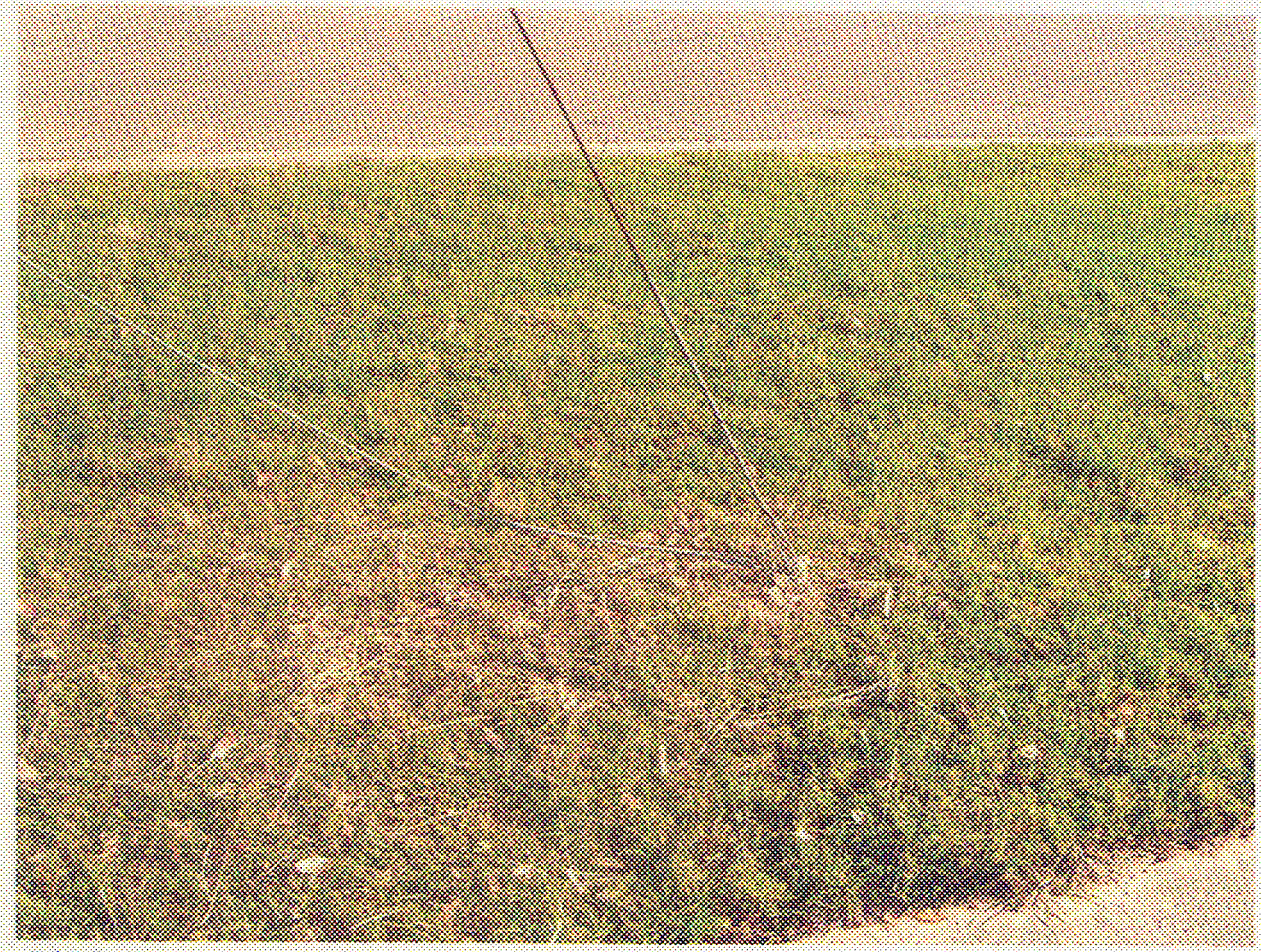
XFR_ATT_CP	Yes	
SEC_COM_V	Yes	
NEUT_COM_V	Yes	
GUY_COM_V	No	
RISR_COM_V	No	
SL_ATT_V	No	
XFR_ATT_V	No	
BTWN_ATT_V	No	
MD_ATT_V	Yes	
MD_PWRAT_V	No	
DOT_ROAD_V	No	
ROAD_V	No	
PEDEST_V	No	
STRUCT_V	No	
GUY_ANCH_V	No	
ATT_BOND_V	No	
NUM_MAIN		0
MAIN_HGT		
MAIN_MDHGT		
NUM_DROP		0
DROP_HGT	284	
DROP_MDHGT	178,245	
NUM_AMP		0
AMP_HGT		
NUM_RISER		0
RISER_HGT		
NUM_PED		0
NUM_TERM		0
TERM_HGT		
NUM_XARM		0
XARM_HGT		
NUM_EXTARM		0
EXTARM_HGT		
OVERLASH	No	

EXHIBIT 3

Crowded poles report

ID_NUMBER	312_594
GPS_LOC	1147991.254294,-534943.582646
INSP_DATE	4_19_05 8-05-12 AM
POLE_CLASS	5
POLE_HGHT	40
POLE_TYPE	Wood
IMAGE1	312_10350429_0009.JPG

IMAGE2 312_10350429_0010.JPG



POLE_ID	312_594
OWNER	COX
TYPE	catv
PWR_COM_CP	Yes
SL_ATT_CP	Yes
XFR_ATT_CP	No
SEC_COM_V	Yes
NEUT_COM_V	Yes
GUY_COM_V	No
RISR_COM_V	No
SL_ATT_V	Yes
XFR_ATT_V	No
BTWN_ATT_V	Yes
MD_ATT_V	Yes
MD_PWRAT_V	No

DOT_ROAD_V	No	
ROAD_V	No	
PEDEST_V	No	
STRUCT_V	No	
GUY_ANCH_V	Yes	
ATT_BOND_V	No	
NUM_MAIN	1	
MAIN_HGT	233	
MAIN_MDHGT	206,180	
NUM_DROP		2
DROP_HGT	278,268	
DROP_MDHGT	225,204,180	
NUM_AMP		0
AMP_HGT		
NUM_RISER		0
RISER_HGT		
NUM_PED		0
NUM_TERM		0
TERM_HGT		
NUM_XARM		0
XARM_HGT		
NUM_EXTARM		0
EXTARM_HGT		
OVERLASH	No	
NUM_OVRLSH		0

EXHIBIT 4

Appendix C

Access Deliverable Format

TABLE NAME	COLUMN NAME	FIELD NAME
Pole	ID Number	ID_NUMBER
	GPS Location	GPS_LOC
	Date/time of Inspection	INSP_DATE
	Pole class	POLE_CLASS
	Pole height	POLE_HGHT
	Pole type	POLE_TYPE
	Measurements: From ground to secondary (pole) From ground to neutral (pole) From ground to span guy (pole) From ground to secondary (mid-span) From ground to neutral (mid-span) From ground to span guy (mid-span) From ground to transformer can From ground to street light drip loop From ground to top of riser	 SEC_HGT NEUT_HGT GUY_HGT MIDSEC_HGT MIDNEU_HGT MIDGUY_HGT XFR_HGT SLDRIP_HGT RISER_HGT
	Image1 file name	IMAGE1
	Image2 file name	IMAGE2
Attachment	Pole ID number	POLE_ID
	Owner	OWNER
	Type	TYPE
	Less than 52" power/communication separation	PWR_COM_CP
	Less than 24" street light drip loop/attachment separation	SL_ATT_CP
	Less than 42" transformer/attachment separation	XFR_ATT_CP
	Less than 40" secondary/communication separation	SEC_COM_V
	Less than 40" neutral/communication separation	NEUT_COM_V
	Less than 40" span guy/communication separation	GUY_COM_V
	Less than 40" riser/communication separation	RISR_COM_V
	Less than 12" street light drip loop/attachment separation	SL_ATT_V
	Less than 30" transformer/attachment separation	XFR_ATT_V
	Less than 12" between attachments	BTWN_ATT_V
	Less than 4" mid-span vertical spacing between attachments	MD_ATT_V
	Less than 30" mid-span power/attachment separation	MD_PWRAT_V
	Less than 18' clearance over DOT roadway	DOT_ROAD_V
	Less than 15'5" clearance over roadway	ROAD_V
	Less than 9.5' clearance to pedestrian accessible area	PEDEST_V
	Less than 3' clearance over structure	STRUCT_V

	Less than 4' anchor separation between down guys	GUY_ANCH_V
	Attacher's vertical ground not bonded to Gulf Power ground	ATT_BOND_V
	Number of main line cable attachments	NUM_MAIN
	Height of main line cable attachment(s)	MAIN_HGT
	Mid-span height of main line cable(s)	MAIN_MDHGT
	Number of service drop attachments	NUM_DROP
	Height of service drop attachment(s)	DROP_HGT
	Mid-span height of service drop(s)	DROP_MDHGT
	Number of amplifier attachments	NUM_AMP
	Height of amplifier attachment(s)	AMP_HGT
	Number of riser attachments	NUM_RISER
	Height of riser attachment(s)	RISER_HGT
	Number of pedestal attachments	NUM_PED
	Number of termination box attachments	NUM_TERM
	Height of termination box attachment(s)	TERM_HGT
	Number of crossarm attachments	NUM_XARM
	Height of crossarm attachment(s)	XARM_HGT
	Number of extension arm attachments	NUM_EXTARM
	Height of extension arm attachment(s)	EXTARM_HGT
	Over-lashing	OVERLASH
	Number of overlashed cables	NUM_OVRLSH

EXHIBIT 5

K-42

Note: prepared by Gulf Employees

Job Estimating & Tracking System - JETS

GULF Power Company
Distribution Working Estimate
Type Construction: OVERHEAD

Date: 02-Nov-1998 02:23 PM

HQ:
Customer: PANAMA CITY OFFICE
Address: KNOLOGY K42
Town: 19TH ST AND RHODE ISLAND AVE
PANAMA CITY

W.O.: 0015000 21665
P.E.: 3403
Job Reference: 1210198
Job Type: C-03. TELE/CATV REQUEST

Type Customer: SYSTEM
Estimate Name: KNOLOGY K42
Engineer: MARTIN, ROBERT W.
Date Last Est: 02-NOV-98

Map Number: 2336

Job Order: ----

Job Description: MAKE READY FOR PERMIT K-42. BILL KNOLOGY FOR COST

Driving Instructions:

DRAFT

Permits/Notification(s): KNOLOGY CA COMCAST ENGINEER BELLSOUTH BELLSOUTH

Total Estimated External Charges Included Below: $ 0

MANHOURS	Onsite	Travel	Headquarters	Total
Company	239.51	0.00	0.00	239.51
Contractor	0.00	0.00	0.00	0.00
			Total Estimated	239.51

Labor Multiplier: 1.00 Comment:

Cost Summary	Plant	Transformer	Meters	Maint.	Removal	Total
Company Labor	3,081	0	0	5,309	1,208	9,598
Contract Labor	0	0	0	0	0	0
Company Matl.	3,048	0	0	0	0	3,048
Contract Matl.	0	0	0	0	0	0
Company Equip	0	0	0	0	0	0
Contract Equip	0	0	0	0	0	0
Engr Supv OH	1,838				362	2,200
Subtotal	7,967	0	0	5,309	1,570	14,846
Blanket						-39
Salvage	261	0	0	0	0	261
Total	7,706	0	0	5,309	1,570	14,546
Bill to Others						14,546
Total Net Cost:						0

Rate Revenue Total Ratio 0.00 ROE .00

Loc Cost 0 Local Ratio 0.00 Net Present Val

Approval & Signoffs:

Robert W Martin 11-02-98

EXHIBIT B

APPLICATION FOR POLE ATTACHMENT PERMIT

PRIORITY #1

City of LYNN HAVEN
State of FLORIDA
County BAY
Date JULY 27, 1998

NAME OF LICENSEE : **KNOLOGY HOLDINGS OF PANAMA CITY INC.**

In accordance with the terms of Agreement dated **January 1, 1998**, application is hereby made for permit to make attachments to the following poles:

Location/ Pole No.	TLN Map No.	Location and Type of Attachments
# of Poles	Knology Map	
✓ 17	40 – 44	AREA NEAR 19TH ST. & RHODE ISLAND AVE.
83	40 – 45	AREA NEAR S.R. 390 & 18TH STREET
100	40 – 46	AREA NEAR 19TH ST. & MICHIGAN AVE.

200 TOTAL ATTACHMENTS **TOTAL MILES 9.437**

By: _____
Title: CONSTRUCTION MGR.
Licensee

Permit granted _____, 19____, except is subject to Licensee's approval below if pole rearrangements are required. Estimated cost of pole rearrangements required to provide space for Licensee's attachments:
$ 14,546 as shown on DSO No. 021665.

GULF POWER COMPANY

By: _____
Title: _____
Licensor

The above charges for rearrangements approved

By: _____
Title: _____
Licensee

Permit No. K-42-98
Total Poles: 200

021665
K-42

Jets Job Work

Job Work Order #: 021665

Ref	Issued To	Issued By	Date
1210198	Robert Martin		11-02-98

Job Description (Customer)	Phone Number
KNOLOGY K-42	

Driving Directions

19TH ST & RHODE ISLAND

MAP 2334 DISK 20

Contact Info	Phone Number

Notifications:

- ☐ Land Department
- ☐ Marketing Department
- ☐ Meter Department
- ☐ Trencher
- ☐ Other
- ☐ Tree Trimmers
- ☑ Telephone Company
- ☑ CATV Company
- ☐ Grounds

Hold For:

- ☐ Easement
- ☑ Billing
- ☐ TLN/Cable Labeling
- ☐ Other
- ☐ DOT Permit
- ☐ RR Permit
- ☐ Environmental Permit
- ☐ Staking

Joint Use

Ticket #	Pole Owner	County	Place
	GULFPOWER	BAY	LYNN HAVEN

Construction Type (T/N): | Priority (0-9): 4

Job Steps	Co. ID	NP	Co. ID	NP	Co. ID	NP	Co. ID	NP
Set Pole	GULFPOWER	11						
~~SPC~~ Transfer	GULFPOWER	11						
~~Lower~~ Attach	SBTPOWER	5	EC410	31				
~~Attach~~ ~~Pull Pole~~	3C001	200	SBTPOWER	1				
Transfer Other N/I pole	EC410 GULFPOWER	11 11	SBTPOWER RAISE	9	EC410	5	SBTPOWER	5

Remarks

WORK ON 33 POLES OUT OF 200. BILL KNOLOGY # 14546

MANHOURS - 240

Other Type Order

☐ NWR ☐ BO ☐ GWO ☐ CJO ☐ EST ☐ ☐ M1

Additional Comments: